

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.W.P. No. 7410 of 2015
Date of Decision : 22.04.2015**

Raju

..... Petitioner

versus

Union of India & others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vijay Dahiya, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing the certificates vide which the petitioner was declared medically unfit.

The petitioner had applied for the post of Airman. He was rejected on the ground that he had suffered from Crepitus on shoulder rotation (B/L) and Hepatosplenomegaly (Annexure P-2). He applied for medical review to the Air Force Authorities and he was again considered by the Appellate Medical Board who again found him unfit on the ground of Hepatosplenomegaly. As per the learned counsel, Hepatosplenomegaly means enlargement of liver. After the reports, it is stated that the petitioner got himself checked in the PGIMER, Chandigarh, wherein it was not mentioned that the liver was enlarged.

The first medical examination was conducted on 17.01.2015 and he was rejected on following two grounds :-

1. Crepitas on shoulder rotation (B/L).
2. Hepatosplenomegaly

In that certificate it was mentioned that he had the right to file an appeal against the decision of the medical board. The petitioner filed the appeal and was subjected to a fresh medical examination on 20.02.2015 and was again declared medically unfit due to the problem of Hepatosplenomegaly (Annexure P-3). Thereafter on 20.03.2015 the petitioner got himself medically examined at Batra Diagnostics Hospital, Hisar and it was found that his liver was normal in size (14.19 cm) (Annexure-P4). After five days i.e. on 25.03.2015 the petitioner again got himself medically tested in PGIMER, Chandigarh and his liver was again found to be normal in size (15.6 cm) (Annexure P-5). It is the prayer of the petitioner that in view of these findings the respondent-Air Force should be directed to consider the petitioner medically fit and then consider his claim for appointment.

In the first place once the Air Force authorities have themselves accepted the appeal of the petitioner and have got him re-examined by the Appellate Board, it is hard to come to the conclusion that any duty is cast upon them by law to consider the medical report of any other institution. Further, even on the petitioner's own showing there was a difference of 10% in the size of the liver of the petitioner

within five days i.e. between 20.03.2015 to 25.03.2015. In these circumstances it is quite possible that a month prior his liver may have been more enlarged beyond the normal parameters.

Resultantly, the present writ petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

22.04.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**